

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SERGIO IVAN GUTIERREZ,

Plaintiff,

No. C 08-00247 JSW

v.

OPTION ONE MORTGAGE,

Defendant.

**ORDER RE VERIFIED NOTICE
OF DEFAULT**

On January 14, 2008, Plaintiff Sergio Ivan Gutierrez filed a complaint and an application to proceed *in forma pauperis*. On January 16, 2008, this Court issued an order denying Plaintiff's application to proceed *in forma pauperis* and dismissing the complaint with leave to amend. The Court stated that Plaintiff's complaint is disjointed to the point of being incoherent and unintelligible. It is impossible to discern from his complaint: (1) the underlying factual basis for his suit; (2) the legal theories under which he seeks relief; or (3) what relief he is requesting. The Court explained that it could not discern the basis of the complaint or the claim for jurisdiction.

Plaintiff was informed that if he wished to pursue this action, he would have to file an amended complaint setting forth a cognizable legal claim by **February 8, 2008**. Such an amended complaint was not filed, although the fee for filing the complaint was received on February 8, 2008.

Now Plaintiff has filed a document called "Verified Notice of Default." There has been no default as Plaintiff has yet to file an amended complaint setting forth the grounds upon which this Court has jurisdiction, "a short and plain statement of the claim showing that the

1 pleader is entitled to relief, . . . and a demand for judgment for the relief the pleader seeks.”

2 *See* Federal Rule of Civil Procedure 8(a). Therefore, the notice received is improper.

3 The Court shall grant one more extension of time to allow Plaintiff to file an amended
4 complaint. The amended complaint shall be filed by no later than **March 28, 2008**. If no
5 complaint is filed, this matter shall be dismissed.

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7 **IT IS SO ORDERED.**

8 Dated: March 12, 2008



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 SERGIO IVAN GUTIERREZ,
6 Plaintiff,
7

Case Number: CV08-00247 JSW

CERTIFICATE OF SERVICE

8 v.


9 OPTION ONE MORTGAGE et al,
10 Defendant.
11 _____ /

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
District Court, Northern District of California.

13 That on March 12, 2008, I SERVED a true and correct copy(ies) of the attached, by
14 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter
listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an
inter-office delivery receptacle located in the Clerk's office.
15

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17 Sergio Ivan Gutierrez
c/o 342 Athens Street
18 San Francisco, CA 94111

19 Dated: March 12, 2008


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk
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